



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

November 8, 2016 Election

Candidacy Requirements

For

**Independent Candidates for
President of the United States**

General Disclaimer

This candidacy requirements bulletin provides an overview of Virginia electoral requirements. It is not legal advice nor a binding statement of official policy. Applicable laws and regulations are subject to change in content and interpretation. Candidates are responsible for verifying the status and complying with current laws and regulations.

Note about this bulletin

The Democratic Party of Virginia and the Republican Party of Virginia are the only organizations currently recognized as political parties under Va. Code § 24.2-101. Therefore, they are the only organizations permitted to select a state-administered Presidential Primary as their method of candidate nomination.

The following information is provided concerning the manner in which individuals who are not the national nominees of either the Democratic Party or the Republican Party may qualify to have their names placed on Virginia's general election ballot for President of the United States.

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Table of Contents

I.	Eligibility Requirements	4
II.	Deadlines	4
III.	Petition Requirements	6
A.	Petition Circulator	6
B.	Number of Signatures Required	6
C.	Regulation on Material Omissions on Candidate Petitions	6
D.	Frequently Asked Questions Regarding Petitions	6
IV.	Appeal of Deficiency in Petition Signatures	7
V.	Requirements for Getting a Recognized Party ID on the Ballot.....	8
VI.	Order of Names on Ballots.....	8

I. Eligibility Requirements

These regulations are published by, and available from, the Federal Election Commission, 999 E Street NW, Washington DC 20463. You may also request this information by phone: 800-424-9530 or on the internet at <http://www.fec.gov>.

1. Must be a natural born citizen of the United States who is at least 35 years of age, who has been a resident of the United States for 14 years, who is a resident of and qualified voter in a State other than the State in which the Vice Presidential candidate is a resident and qualified voter.
2. Designate a Vice Presidential running mate who is a resident of and qualified voter in a State other than the State in which the Presidential candidate is a resident and qualified voter.
3. Designate two Electors from the Commonwealth of Virginia at large and one Elector from each of Virginia's eleven congressional districts. Each elector must be a resident and qualified voter of the district for which he or she serves. If they receive the highest number of votes cast at the general election, each elector must vote for the persons named for President and Vice President in the petition at the Electoral College.
 - a. Members of the United States Senate or House of Representatives and employees of the United States government are prohibited by the Constitution of the United States from serving as Electors.
4. Comply with the requirements of the Federal Election Campaign Act imposed on candidates and committees. This Act requires:
 - a. That candidates and committees register and disclose campaign receipts and expenditures and abide by certain contribution limits and prohibitions.
 - b. That an Authorization Notice appear on any public political advertising.

II. Deadlines

Deadline	Action Required
Friday, January 1, 2016 Va. Code § 24.2-543	<p>First day on which petitions may be circulated for the November 8, 2016 General Election. See Eligibility Requirements and Ballot Access Requirements in this bulletin for details.</p> <p>The Petition of Qualified Voters for Electors for President and Vice-President must identify the group's or Independent candidate's electors before it may be circulated. Va. Code § 24.2-203 permits replacement of electors on December 19, 2016 only in cases of death, failure or inability to attend, refusal to act, or other cause. Replacing an unqualified elector is not addressed.</p>

Friday, February 26, 2016 Va. Code § 24.2-543	Deadline by which a group which wishes to use a selected party name on the presidential ballot must have in place 1) a state central committee composed of registered voters from each congressional district in Virginia, 2) a party plan and bylaws, and 3) a duly designated chairman and secretary.
Friday, August 26, 2016 Va. Code § 24.2-542, 543	<p>Deadline for other groups to file presidential petitions with the Department of Elections. <i>See</i> Petition Requirements in this bulletin for details.</p> <p>Deadline for other groups to file the Certificate of Candidate Qualification signed, under oath, by each elector whose name appears on the petitions.</p>
Friday, August 26, 2016 by Noon Va. Code § 24.2-542, 543	<p>Deadline for a group wishing to use a party name on the presidential ballot to file with the Department of Elections the following:</p> <ol style="list-style-type: none"> 1. An affidavit, under oath, that the group has a state central committee composed of registered voters from each congressional district in Virginia, a party plan and bylaws, and a duly designated chairman and secretary. 2. A list of the names and resident addresses of the officers and members of the state central committee 3. A copy of the party plan and bylaws.
Friday, September 2, 2016 Va. Code § 24.2-542, 542.1, 203	<p>Deadline for a group qualified to use a selected party name may certify to the Department of Elections, a substitute candidate for President or Vice President due to that candidate's death or withdrawal.</p> <p>Deadline by which the candidate for President of a group not qualified to use a selected party name may certify a substitute candidate for Vice President to the Department of Elections.</p> <p>Vacancies in the office of Elector, for whatever reason, are filled by a plurality vote of the remaining Electors when they meet on the first Monday after the second Wednesday in December.</p>
Monday, October 17, 2016 Va. Code § 24.2-414, -416	Last day on which a person may apply for voter registration for the presidential election. All registration books close on this day.
Tuesday, November 1, 2016 Va. Code § 24.2-701(B)(2)	Deadline for receipt of absentee ballot application sent by mail, FAX or email to be received by the General Registrar of the voter's county or city of residence. <i>See</i> Department of Elections website for details: www.elections.virginia.gov

Saturday, November 5, 2016 Va. Code § 24.2-701(A),(B)(1)	Deadline for voter to apply and vote absentee in-person in the office of the General Registrar of his county or city of residence.
Tuesday, November 8, 2016 Va. Code § 24.2-101	ELECTION DAY
Monday, November 21, 2016 Va. Code § 24.2-679	State Board of Elections meets to ascertain results of the presidential election.

III. Petition Requirements

A. Petition Circulator

Petitions can be circulated by any person who is a resident of the United States of America, at least 18 years of age and has no felony convictions as to which voting rights have not been restored.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he personally witnessed the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator never can leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

B. Number of Signatures Required

Petitions must contain the signatures of at least 5,000 qualified Virginia voters with at least 200 from each of Virginia's eleven congressional districts. If petitions are required, the Department recommends that a candidate get at least 150% of the number of signatures required to assure that enough signers are qualified voters.

C. Regulation on Material Omissions on Candidate Petitions

1VAC20-50-20 of the Virginia Administrative Code identifies what does and does not constitute a material omission on a candidate's petition for the purpose of disallowing the petition. Please review the regulation before circulating the Petition of Qualified Voters form.

D. Frequently Asked Questions Regarding Petitions

The following are frequently asked questions received regarding the petition process:

Q: Do I have to print the petition double-sided or may I staple two separate pages together and circulate?

A: A petition page is a double-sided document with both a front and back. You need to print out the petition double-sided. The front and back of the petition pages cannot be

stapled together and circulated as one petition page.

Q: What happens if I need additional time to gather the required number of signatures?

A: Neither the general registrars nor SBE have authority to accept additional petitions after the deadline.

Q: Who is responsible for ensuring my petition signers and circulators are eligible to sign and/or circulate my petition?

A: The candidate. A candidate that files the certificate of candidate qualification with her general registrar may purchase from the Department of Elections a list of registered voters for their election district. Purchasing the list may improve petition signature proficiency.

Q: Is it required for the petitions to be notarized?

A: Yes. Sections 24.2-506 and 24.2-521 require that each petition circulator's affidavit be notarized. Candidates should verify that the notary provides their photographically reproducible notary seal\stamp, notary registration number, date notary commission expires and notary signature on each petition page.

Q: I see two versions of the Petition of Qualified Voters form available on SBE's website, which one should I use?

A: Either the letter size (8 ½" x 11") or legal size (8 ½" x 14") petition may be used. The legal size version contains more signature lines than the letter size version. The letter size version fits more neatly on a clip board. Personal preference will prevail

IV. Appeal of Deficiency in Petition Signatures

The Code of Virginia § 24.2-543(B), grants a nonparty candidate the right to appeal the determination that the candidate "does not qualify to have his name appear on the ballot [...] by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought." Candidates have 7 days from the issuance of notice of their disqualification to file their appeal with the State Board of Elections.

Appeals are conducted by the determining body in accordance with regulations set forth by the State Board of Elections in 1VAC20-50-30 of the Virginia Administrative Code. Consideration on appeal is "limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of [Title 24.2 of the Code of Virginia and regulations for petitions set forth by the State Board of Elections]. "The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided." All appeals are final and not subject to further appeal.

V. Requirements for Getting a Recognized Party ID on the Ballot

The Code of Virginia permits independent candidates associated with organizations with sufficient credentials (“recognized political parties”) to have their organization identified on the ballot. In order to do so, the state chair of the group must provide certain documents to the Department of Elections no later than the normal deadline for party chairs to certify their non-primary candidates; 5 days after the second Tuesday in June.

The required documents are as follows:

1. An affidavit signed by the State Chair of the group, under oath, stating the following:
 - The group has been in existence for at least six months prior to the filing deadline.
 - The group has a state central committee composed of registered voters from each of Virginia’s 11 congressional districts.
 - The group has a party plan and bylaws.
 - The group has a duly designated chairman and secretary.
2. A list of the names and resident addresses of the officers and members of the state central committee.
3. A copy of the party plan and bylaws
4. A letter signed by the state chair of the group, certifying that the individual is the nominee of the group and, if his filing is adequate and he is determined to be qualified, is eligible to be identified as such on the November 8, 2016 ballot for President of the United States. A letter signed by the nominee accepting the party’s nomination.

VI. Order of Names on Ballots

In the general election the candidates of political parties appear first on the ballot, in the order determined by a drawing conducted by the State Board of Elections. The candidates of recognized political parties appear next on the ballot, in the order determined by a drawing conducted by the State Board of Elections. Independent (non-party) candidates appear in alphabetical order following the candidates of political parties and recognized political parties.